

## **REMARKS**

This paper is being submitted in response to the Final Office Action mailed March 11, 2003, for the above-referenced application. In this response, Applicants have amended claims 1, 21, 25 and 26 to clarify that which Applicants consider to be the invention. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification.

The rejection of claims 1, 3, 4, 11, 19, 25 and 26 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,852,896 to Pyzel et al. (hereinafter "Pyzel") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 1, as amended herein, recites a transferable binding apparatus. A ship mechanism is included and a binding mechanism is affixed to the ship mechanism. A dock mechanism is adapted to attach to a ski and is adapted to receive the ship mechanism. An attaching mechanism is adapted to attach to the dock mechanism and the ship mechanism. The binding mechanism comprises a safety-release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Further, the transferable binding apparatus is adapted such that engagement of said ship mechanism with said dock mechanism is independent of boot size or binding mechanism type. Claims 2-5, 11, 12, and 19 depend directly or indirectly on independent claim 1 and recite additional patentable features thereto.

Independent claim 25, as amended herein, recites a transferable binding system. A ship mechanism is included and a binding mechanism is affixed to the ship mechanism. At least two dock mechanisms are attached to at least two skis, each of the dock mechanisms being adapted to receive the ship mechanism. At least two attaching mechanisms attach the dock mechanisms to the ship mechanism. The ship mechanism is dimensioned and arranged to be inserted interchangeably into the at least two dock mechanisms. Further, the transferable binding system is adapted such that engagement of said ship mechanism with each of said at least two dock mechanisms is independent of boot size or binding mechanism type.

Independent claim 26, as amended herein, recites a transferable binding system. At least two ship mechanisms are included and at least two binding mechanisms are affixed to the at least two ship mechanisms. A dock mechanism is adapted to attach to a ski and to receive the ship mechanisms. An attaching mechanism is adapted to attached said dock mechanism to either of the ship mechanisms. The dock mechanism is dimensioned and arranged to receive interchangeably either of the ship mechanisms. Further, the transferable binding system is adapted such that engagement of each of said at least two ship mechanisms with said dock mechanism is independent of boot size or binding mechanism type.

The Pyzel reference discloses a safety release ski boot system comprising a ski boot having a boot upper body, a fixed upper sole, a detachable lower sole and a safety release mechanism. The various sole and body elements of Pyzel's system are fastened together to form a single boot structure. Sole fastening means associated with the lower sole and the ski comprise a plurality of transverse rails secured to the upper surface of the ski. The transverse rails are

adapted to be received in a corresponding number of transverse rail-receiving slots formed in the bottom of the lower sole of the ski boot assembly. (See Abstract and col. 5, lines 5-20).

Applicants' independent claims, as amended herein, all recite the feature that *the transferable binding apparatus is adapted such that engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type*. Applicants' invention operates in recognition that the connection between a skier's boot and the binding is designed for ease of entry and quick release when there is adverse twisting, such as in fall. This connection is extremely important for safety and is customized to the user's boot size and shape, and the user's weight and skill level. (See page 1, lines 15-21 of the present application). However, Applicants have recognized that the connection between the binding and the ski can be utilized for purposes of transferability without affecting the important safety features of the boot and binding connection and without any dependence on the size of the boot or the binding mechanism type used by a skier.

Applicants respectfully submit that Pyzel does not teach or fairly suggest at least the above feature. Pyzel discloses a ski boot assembly 10 that includes a boot upper body 12 that is fixedly attached to an upper sole 13 and detachably secured to a lower sole 14. The Pyzel system is a *self-contained ski boot* made up of a number of sole and body elements. A safety mechanism is attached to either end of the boot upper body 12. (See Fig. 1 of Pyzel). The boot body and upper sole are directly connected and fitted to the lower sole (which is argued in the Office Action as representing a "ship mechanism"). The boot body, upper sole and lower sole all have a uniform, contiguous design, such that the size of the lower sole *is dependent on* the size of

the boot body and upper sole and affects the positioning of the rail channels that slide over the plurality of rails 28 (which is argued in the Office Action as representing a "dock mechanism") attached to the ski. As a result of the lower sole dependency on the size of the boot body and upper sole, the corresponding rail system on which the lower sole is fitted, *also depends on* the size of the boot body and upper sole.

Pyzel's ski boot system requires that the sole, body and rail components be fitted to one another to form the uniform and contiguous ski boot structure for a particular boot size and shape. Pyzel's boot system is NOT designed for transferability between skis regardless of boot size or binding type and, in fact, *teaches away* from this concept by the purposeful design of a self-contained boot that includes, within the boot, the components for attachment to a ski and for a safety-release mechanism. Applicants' respectfully submit that Pyzel does not teach or fairly suggest the feature that the *transferable binding apparatus is adapted such that engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type*, as is claimed by Applicants. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 1, 2, 19, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 298 20 426 to Ipen (hereinafter "Ipen") in view of U.S. Patent No. 3,743,308 to Allsop (hereinafter "Allsop") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

The features of Applicants' independent claims 1, 25 and 26 are discussed above. Claims

2 and 19 depend on independent claim 1 and recite additional patentable features thereto.

The Ipen reference discloses a ski binding plate for telemark skiing and downhill skiing. The ski binding plate provides for the same ski to be used when telemark skiing to a downhill slope and then downhill skiing by using only a conventional downhill binding.

The Allsop reference discloses a ski binding including a toe and heel clamp. The Office Action cites Allsop as disclosing a safety release mechanism.

Applicants respectfully submit that neither Ipen nor Allsop, taken alone or in any combination, teach or fairly suggest the feature that the *transferable binding apparatus is adapted such that engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type*, as is claimed by Applicants. Specifically, Ipen discloses two plates that are connected at one end by a pivot member such that one plate rotates with respect to the other for the purpose of using the same ski when downhill skiing as well as telemark skiing. The rotation of the one plate with respect to the other (i.e. the engagement of the one plate argued as a "ship mechanism" with the other plate argued as a "dock mechanism") utilizes a binding mechanism that is connected to the heel of the boot and the "ship mechanism" plate. So, for example, Ipen's device would be inoperable for its intended purpose with any binding in which the end of the boot is not *secured to* a binding mechanism (for example, telemark bindings in which only a front binding is connected to a ski). (See Abstract of Ipen). Accordingly, Ipen's device depends on the binding mechanism type and therefore engagement of the "ship mechanism" plate with the "dock mechanism" plate is not independent of binding

mechanism type.

Applicants respectfully submit that the Allsop reference does not overcome the above-noted deficiencies of Ipen with respect to Applicants' claims. The safety-release mechanism disclosed by Allsop does not remedy the reliance on the type of binding mechanism disclosed by Ipen in relation to the described pivoting plates. Further, Allsop discloses a safety-release binding but *does not contain any motivation for combining* a safety-release binding with a ship and dock mechanism design in order to provide for transferability of bindings. In fact, Allsop *teaches away* from transferability of bindings by specifying that his disclosed heel and toe binding pieces are fixedly secured in place on the ski. (See col. 1, lines 61-67 of Allsop).

Accordingly, in view of the above, Applicants respectfully request the this rejection be reconsidered and withdrawn.

Furthermore, Applicants respectfully submit that nothing in the prior art of record teaches or fairly suggests an interchangeable transferable binding system having multiple ship mechanism and at least two dock mechanisms *wherein the ship mechanism is dimensioned and arranged to be inserted interchangeably into the at least two dock mechanisms*, as is claimed in Applicants' claim 25. Additionally, Applicants respectfully submit that nothing in the prior art of record not teaches or suggests an interchangeable transferable binding system having at least two ship mechanisms and a dock mechanism *wherein the dock mechanism is dimensioned and arranged to receive interchangeably either of said ship mechanisms*, as is claimed in Applicants' claim 26. Nothing in the prior art of record discloses the interchangeable transferability aspect of

ski boots and bindings as facilitated by multiple ships mechanisms and dock mechanisms, as is claimed by Applicants. Accordingly, Applicants respectfully request that the rejection of these claims, specifically with respect to claims 25 and 26, be reconsidered and withdrawn.

The rejection of claims 5 and 12 under 35 U.S.C. 103(a) as being unpatentable over Pyzel is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

The features of Applicants' independent claims are discussed above; claims 5 and 12 depend therefrom. Claim 5 recites that the dock mechanism is obtained separately from the ski and attached at the direction of the user. Claim 12 recites that the binding mechanism is attached to the ship mechanism at the direction of the user. As further discussed above, Applicants' respectfully submit that Pyzel does not teach or suggest at least the feature that *the transferable binding apparatus is adapted such that engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type*. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 7 and 21 under 35 U.S.C. 103(a) as being unpatentable over Pyzel is hereby traversed and reconsideration is respectfully requested.

Claim 7 depends on independent claim 1 and further recites that the dock mechanism is adapted in a pocket configuration with at least one open side to receive said ship mechanism and said ship mechanism is adapted to be inserted into said at least one open side of the pocket

configuration.

Independent claim 21, as amended herein, recites a method for transferring a binding. A binding mechanism is affixed to a ship mechanism. A dock mechanism is affixed to a ski. The ship mechanism is inserted into the dock mechanism and attached to the dock mechanism. The binding mechanism comprises a safety-release binding independently controlling engagement and disengagement of a boot into and out of a transferable binding apparatus without adjustment of the ship mechanism or the dock mechanism. Further, the transferable binding apparatus is adapted such engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type.

As further discussed above, Applicants' respectfully submit that Pyzel does not teach or suggest at least the feature that *the transferable binding apparatus is adapted such that engagement of the ship mechanism with the dock mechanism is independent of boot size or binding mechanism type*. Accordingly, Applicant's respectfully request that the rejection of independent claim 21 and claim 7 be reconsidered and withdrawn.

Furthermore, specifically with respect to dependent claim 7, the Office Action states that the recitation of claim 7 is a "mere reversal of essential working parts" involving only routine skill in the art. Applicants' respectfully submit that open pocket configuration of a dock mechanism into which a ship mechanism is inserted (see for example, Fig. 3 of the present specification) is not a "mere reversal of essential working parts" as compared with the multiple rail system of Pyzel. In Pyzel's boot design, a lower sole having multiple rail entry ports slides




over multiple rails positioned on a ski. In contrast, Applicants' claim 7 recites that a ship mechanism is adapted for insertion into a dock mechanism adapted in a pocket configuration. Applicants' respectfully submit that this feature is not taught or suggested by the Pyzel reference. The operations of these two systems are not mere reversals of one another and involve different operational structures and dynamics, as seen in Applicants' figures. Accordingly, in addition to the above-stated reasons with respect to the independent claims, Applicants request that the rejection with respect to claim 7 be reconsidered and withdrawn.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-248-4792.

Please charge any fees that may be required and which have not been provided for in accompanying documents or credit any overpayments to our Deposit Account No. 03-1721.

Date: 9/11/03

Respectfully submitted,  
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